

**CHIROPRACTIC EXAMINING BOARD
MADISON, WISCONSIN
MINUTES
SEPTEMBER 19, 2002**

PRESENT: Susan Feith, Char Glocke, James Greenwald, DC, James Rosemeyer, DC, Bevier (Brouck) Sleight, DC, Dale Strama, DC (for a portion of the meeting) and James Weber, DC, as a non-voting member of the Board

GUEST: Ron Hermes, WPTA; Dyana Tillinger, WCA

STAFF PRESENT: Clete Hansen (filling in for Kimberly Nania), John Schweitzer, and Grace Schwingel

CALL TO ORDER

Brouck Sleight, Vice Chair, called the meeting to order at 8:00 a.m. A quorum of 5 members was present at the beginning of the meeting.

AGENDA

Amendments to Agenda: Bruce Olson, from the Attorney General's Office will be speaking with the Board in closed session regarding the pending lawsuit. OT Rules information will be presented under Informational Items

MOTION: Jim Greenwald moved, seconded by Susan Feith, to approve the agenda as amended. Motion carried unanimously. (Dale Strama was not present)

APPROVAL OF MINUTES OF AUGUST 22, 2002

Amendments to Minutes: On page 5 of the minutes, on the Motion regarding Michael Rusak, DC, add: Board requested that DOE investigate Dr. Rusak's continuing education.

MOTION: Susan Feith moved, seconded by Char Glocke, to approve the minutes of August 22, 2002, as amended. Motion carried unanimously. (Dale Strama was not present)

PRESENTATION OF PROPOSED STIPULATIONS

None

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER
MAILING OF AGENDA**

None

**REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted

**DISCUSSION REGARDING CONTINUING EDUCATION CREDITS TO INCLUDE
BUT NOT LIMITED TO: NOT ALLOWING CO-SPONSORSHIPS OF CE,
LIMIT CE SPONSORSHIP TO ACA, ICA AND ANY COLLEGE APPROVED BY
THE EXAMINING BOARD, RENEWAL AND CE**

Dr. Strama was not present for the discussion on continuing education credits. The Board had a lengthy discussion on the role of a co-sponsor and what the appropriate involvement of the Board is in this issue. For the Board to remain impartial, it cannot allow one entity to receive a benefit that has been denied to another entity. It was noted that the word co-sponsoring is not used in the rules; the word that is used in the rules, that reflects the same concept is “delegation.”

Protecting the interests of the public and ensuring that Doctors maintain minimum competency is the focus of the Board on this issue. Ensuring the economic health of an organization is not the role of the Board. The Board stated that one organization can not require one standard for another organization to adhere to and then not be willing to adhere to those same standards themselves. Dr. Gail Pizarro, Exam Specialist, explained to the Board how other boards deal with this issue.

Legal Counsel, John Schweitzer, recommended that at its next meeting, the Board discuss the information the Department sends out concerning continuing education. It was noted that currently there is not one standard in the Department regarding pre-approval of continuing education courses

DISCUSSION REGARDING PHILOSOPHY AND CONTINUING EDUCATION

Dr. Strama joined the board meeting for this discussion. The Board reviewed a letter it received regarding the issue of granting CE credit for philosophy courses. The Board felt it would be beneficial to discuss this issue with the state association, WCA. It was noted that there is a board exam on December 5, 2002. Dr. Rosemeyer will set up a meeting with the state association on December 5th to discuss this matter further with the WCA to ensure that there is consensus on this issue.

**CORRESPONDENCE: RE: DISTANCE BASED LEARNING PROGRAMS
DIFFERENTIATED FROM HOME STUDY PROGRAMS --PAUL POWERS, DC**

Legal Counsel, John Schweitzer, reviewed a letter he had received dealing with the issue of distance-based learning programs. The Board tabled this issue for now.

**CORRESPONDENCE: ZINO, GERMANOTTA, KNOLL AND CHRISTENSEN (FEE
SPLITTING)**

Legal Counsel, John Schweitzer, reviewed a letter he had received relating to fee splitting. The Board authorized John Schweitzer to respond to this letter.

FINALIZE PLANS FOR NBCE PART IV VISITS CORRESPONDENCE INCLUDED

The Board discussed the logistics of participating in the NBCE Part IV visits.

MOTION: Brouck Sleight moved, seconded by Dale Strama, to participate in the evaluation of NBCE Part IV visits to test sites on condition that the board's public members are approved to attend to represent the board, at either the Davenport or Minnesota sites on dates proposed by the Board. Motion carried, two opposed.

UPDATE INFO FROM LIFE UNIVERSITY

The Board reviewed the letter it received from Life University regarding its students' eligibility for licensure in a number of states.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

The Board authorized Legal Counsel, John Schweitzer, to write a letter regarding the use of cold laser treatments.

CLOSED SESSION

MOTION: Brouck Sleight moved, seconded by James Rosemeyer, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) – 10:00 a.m. to discuss application reviews, examination issues, and discussion of the lawsuit with Bruce Olson, from the Attorney General's Office. Motion carried by a roll call vote. Susan Feith-yes, Char Glocke-yes, James Greenwald-yes, Brouck Sleight-yes, James Rosemeyer-yes, Dale Strama-yes. Dr. Weber is present at the Board's invitation.

Open session recessed at 9:40 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Brouck Sleight moved, seconded by James Greenwald, to reconvene into open session at 11:00 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

None

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING OF AGENDA

None

APPLICATION REVIEW – ENDORSEMENT

PATRICK C. JOZWIAK

MOTION: Char Glocke moved, seconded by Susan Feith, to deny the application of Patrick Jozwiak by endorsement because he did not pass a practical examination comparable to the Wisconsin practical exam. Motion carried. Dale Strama abstained.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT – 10:30 A.M.

MOTION: James Greenwald moved, seconded by Susan Feith, to close **00 CHI 036** for insufficient evidence. Motion carried unanimously.

MOTION: James Greenwald moved, seconded by Brouck Sleight, to close **02 CHI 011** for insufficient evidence. Motion carried unanimously.

EXAMINATION ISSUES – DARWIN TICHENOR

Set Dates for 2003 Examinations

Exam Dates for 2003 were scheduled for:

February 13, 2003
June 5, 2003
September 4, 2003

Review/Approve Examination Results from September 5, 2002 Exam

Noted

CONSULT WITH LEGAL COUNSEL

BRUCE OLSON, ATTORNEY GENERAL'S OFFICE

MOTION: Char Glocke moved, seconded by James Greenwald, to reject the proposed settlement by WCA and make a counterproposal. The counterproposal would require: (1) a retraction including, personal apologies to each board member by name, in a press release of the same format and equally visible type indicating it was a frivolous lawsuit, without merit and that the press release is to be sent to all national and local groups and individuals that received the original press release; (2) that letters be sent to all individual WCA members, and anyone else on the WCA mailing list that received the original information regarding the issues involved in this lawsuit, including the same retraction; (3) a website retraction if the original information was placed on any website; (4) an article containing the retraction be placed in the publication of the WCA; and (5) reimbursement of costs for the Board's defense. Motion carried unanimously.

OT RULES

Clete Hansen reviewed a letter that was sent to Senator Judith Robson and Representative Greg Underheim by the Occupational Therapy Board regarding the revised draft of the OT rules, Clearinghouse Rule 02-026. Ron Hermes, WPTA representative outlined the concerns of the physical therapists regarding the language of the rule.

MOTION: James Greenwald moved, seconded by Susan Feith, to authorize Legal Counsel, John Schweitzer to write a letter representing the Board's concerns with the OT rules. Motion carried unanimously.

ADJUST TWO DATES 2003

Two scheduled meeting dates for 2003 need to be changed. The meeting scheduled for February 20, 2003 is being rescheduled to February 27, 2003. The meeting scheduled for November 20, 2003 is being rescheduled to November 13, 2003.

INFORMATIONAL ITEMS

John Schweitzer reviewed responses to survey questions the Board had submitted to the Federation of Chiropractic Licensing Boards regarding homeopathy and homeopathic remedies. Legal Counsel takes the position that homeopathic remedies may not be dispensed by chiropractors because these remedies are drugs.

James Greenwald reported on the Secretary's Service and Budget Committee and indicated he felt it was a very interesting and worthwhile process.

ADJOURN

MOTION: James Greenwald moved, seconded by Char Glocke, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

Next Meeting: Thursday, October 17, 2002